

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:02CR148
)	
Plaintiff,)	
)	
vs.)	Judge Peter C. Economus
)	
ARTHUR DARBY,)	
)	
Defendant.)	<u>ORDER</u>

On March 18, 2003, the Defendant, Arthur Darby, was sentenced to fifty-three (53) months imprisonment, followed by five (5) years of supervised release, for Possession with Intent to Distribute Cocaine Base , a Class B felony. His supervised release commenced on September 15, 2006.

On or about November 25, 2008, the Defendant's probation officer submitted a violation report alleging the following violation of the terms of supervised release:

1. **New Law Violation** - On September 18, 2008, Mr. Darby entered pleas of Guilty to two counts of Trafficking in Drugs (F5) and one count of Possession of Drugs (F5), Richland County Common Pleas Court Case No. 2007CR1033.

The matter was referred to Magistrate Judge James S. Gallas to conduct the appropriate proceedings, except for sentencing, and to prepare a report and recommendation. The Defendant appeared before the Magistrate for a violation hearing on December 17, 2008, and was represented by counsel Edward Bryan. At the hearing, the Defendant admitted to the violation. The Magistrate has issued a report and recommendation, recommending that

the Court find that the Defendant has violated the terms of his supervised release.

The Court has reviewed the Magistrate's report and recommendation and finds that it is well-supported. The Defendant has admitted the violation alleged in the probation officer's violation report. As a result, the Court finds that the Defendant has violated the terms of his supervised release.

The Court has considered the statutory maximum sentence of three years pursuant to 18 U.S.C. § 3583(e)(3). The Court has also considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The guideline range is 8-14 months pursuant to U.S.S.G. § 7B1.4(a). Furthermore, the Court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

The Court hereby **ADOPTS** the Magistrate's Report and Recommendation. (Dkt. # 49). Based on this Court's review of all relevant factors, the Court hereby orders that the Defendant's supervised release is **REVOKED**, and the Defendant is sentenced to eight (8) months imprisonment. Furthermore, the remaining term of Defendant's supervised release is hereby terminated.

IT IS SO ORDERED.

Issued: January 5, 2009

s/ Peter C. Economus
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE